



CASE CONCLUSION DATA SHEET (CCDS) FOR FY2007 PROSECUTED CASES

PART I. GENERAL CASE INFORMATION

1. Date Closed in CCRS: 4 / 10 / 2008
2. Case Number: 0660 - 0500
3. Case Name: RABUN DAIRY
(As reported in CCRS)
4. Lead Case Agent: SA (b) (6)

A. WAS A FACILITY OPERATED BY THE DEFENDANT(S):

(To check boxes, double left click and select "checked" for the default value)

- ☐ A permitted facility listed in EPA's Facility Registry System (FRS)
(www.epa.gov/idea/otis/compliance_report.html lists all facilities registered with EPA)

List the "ID Source Number" from the "Permits and Identifiers" section:
ID Source Number: _____

- ☒ An un-permitted facility

B. DID THIS FACILITY HAVE PRIOR REGULATORY ENFORCEMENT HISTORY?

- ☒ No prior regulatory history

- ☐ Prior **CID criminal case investigation** in CCRS

List the CID case number(s): _____
(Search CCRS for prior CID case history)

- ☐ Prior **State criminal enforcement action** in the past 5 years
(Check box if identified during case investigation)

- ☐ Prior **EPA civil formal enforcement action** in the past 5 years
(www.epa.gov/idea/otis/compliance_report.html lists detailed facility reports with EPA formal enforcement action(s))

- ☐ Prior **State civil notices of violation** or informal enforcement in past 5 years
(www.epa.gov/idea/otis/compliance_report.html lists detailed facility reports with State civil notices of violation or informal enforcement action(s))

PART II. HARM TO HUMAN HEALTH AND THE ENVIRONMENT

A. HARM TO THE ENVIRONMENT

POLLUTION IMPACT CALCULATIONS:

1. In this section, list the amount of pollution that entered the environment as a result of the defendant's criminal conduct during the period of time identified in this criminal investigation.
2. As a general rule, pollution should be reported in pounds.
3. Pollution in water discharge cases should be reported in gallons and only the amount of the actual pollutant should be qualified (i.e. only report the gallons of pollutant from a vessel or facility, not the gallons of ocean or river water that may have been harmed).
4. Pollution in asbestos cases should be reported in cubic yards.
5. "Pollutant" refers to all substances (haz. waste, oil, asbestos, etc.) that can be quantified as a waste.
6. Attach your calculations to this CCDS when submitted.
7. If no "Amount" can be reported, explain in "Remarks" and/or elaborate on the calculation sheet why no pollutants could be calculated or determined.

	Pollutant	Pollutant Code	Amount	Media	Remarks
1.	<u>LIQUID DAIRY CATTLE WASTE</u>	<u>UNK</u>	<u>43,338</u>	<u>WATER</u>	<u>LIQUID DAIRY CATTLE WASTE</u>
2.					<u>Pollutant calculation provided by</u>
3.					<u>TSWCB's MAX BEARY. See</u>
4.					<u>IAR in CCDS.</u>

POLLUTION REDUCTION CALCULATIONS:

1. In this section, list the amount of pollution eliminated from the environment as a result of this criminal investigation via clean-up, restoration, injunctive relief, or future reductions resulting from enforceable requirements for the defendant(s).

	Pollutant	Pollutant Code	Amount	Media	Remarks
1.	<u>UNK</u>				
2.					
3.					
4.					

B. HARM TO HUMAN HEALTH AND WILDLIFE

- ☐ Did a **documented human fatality** result from the environmental violations investigated in this case?
- ☐ Did a **documented serious human injury or illness** result from the environmental violations investigated in this case?
- ☐ Was there a **documented exposure to humans** where **medical attention was required** resulting from the environmental violations investigated in this case?
- ☐ Was there a **documented loss of wildlife** resulting from the environmental violations investigated in this case?

PART III. CASE ATTRIBUTES**A. EPA NATIONAL ENFORCEMENT PRIORITIES**

(The EPA National Enforcement Priorities website is

<http://www.epa.gov/compliance/data/planning/priorities/index.html>. Agents are strongly encouraged to consult with their SAC when determining if a case qualifies as a NEP)

- ☐ **Clean Air Act: Air Toxics**
Reducing public exposure to toxic air emissions by ensuring compliance through directed monitoring and enforcement of the Maximum Achievable Control Technology (MACT) standards.
- ☐ **Clean Air Act : Prevention Of Significant Deterioration and New Source Review**
Ensuring that New Source Review (NSR) and Prevention Of Significant Deterioration (PSD) requirements of the Clean Air Act (CAA) are implemented. Failure to comply with NSR/PSD requirements may lead to the inadequate control of emissions resulting in the release of thousands of tons of pollution to the air each year, particularly of nitrogen oxides, volatile organic compounds, and particulate matter.
- ☐ **Petroleum Refining**
Using compliance and enforcement tools to reduce air emissions and eliminate un-permitted releases from operable domestic petroleum refineries.
- ☒ **Clean Water Act: Wet Weather**
Ensuring compliance with Clean Water Act requirements by addressing four (listed below) environmental challenges that are exacerbated by wet weather. Wet weather discharges contain bacteria, pathogens and other pollutants that can cause illnesses in humans, lead to water quality impairment, including beach and shellfish bed closures and harm our nation's water resources.

Concentrated Animal Feeding Operations The major environmental problem associated with CAFOs is the large volume of animal waste generated in concentrated areas.

Combined Sewer Overflows Combined sewer systems are designed to collect rainwater runoff, domestic sewage and industrial wastewater in the same pipe. During periods of rainfall or snow melt, the wastewater volume in a combined sewer system can exceed the capacity of the system or treatment plant.

Sanitary Sewer Overflows The main pollutants in raw sewage from SSOs are bacteria, pathogens, nutrients, untreated industrial wastes, toxic pollutants, such as oil and pesticides, and wastewater solids and debris.

Storm Water Storm water runoff from urban areas can include a variety of pollutants, such as sediment, bacteria, organic nutrients, hydrocarbons, metals, oil and grease.



Resource Conservation and Recovery Act: Mineral Processing

Reducing risk to health and the environment by achieving increased compliance rates throughout the mineral processing and mining sectors and by ensuring that harm is being appropriately addressed through compliance assistance and enforcement.



Tribal

Working with federally-recognized Indian tribes to address significant human health and environmental problems associated with drinking water, solid waste, and environmental risks in tribal schools (e.g., lead-paint) through capacity building and compliance monitoring.



Financial Responsibility

Financial responsibility requirements in federal law ensure an operator has adequate funds to address the closure of facilities that handle hazardous wastes, hazardous substances, toxic materials, or other pollutants. The funds provide for the ability to clean up those materials so they do not contaminate soils, groundwater, surface waters or the air. The enforcement strategy for ensuring full compliance with the financial responsibility requirements seeks to prevent improper handling and release of hazardous materials and wastes and defaults that would shift the costs from the responsible parties to others, including state and federal taxpayers.

B. EPA REGIONAL ENFORCEMENT PRIORITIES

(Request a list and description of these priorities from your SAC)



Regional Priorities:

CAFO's

C. OCEFT NATIONAL ENFORCEMENT PRIORITIES

(Contact the Center for Strategic Environmental Enforcement at 202-564-5918 for assistance)



Stationary Air Cases

Cases that involve illegal sources of air pollution from stationary sources, regardless of a facility's permit status. This priority does not include asbestos related releases.



Civil Non-Compliance

Cases that involve entities: (1.) on EPA's "OECA watch-list" (Search <http://www.epa.gov/cgi-bin/watchlist.cgi>), (2.) with formal civil enforcement action, and/or (3.) with informal civil enforcement action deemed an OCEFT National Priority case in consultation with your SAC.

D. CONGRESSIONAL INTEREST



Was there a congressional inquiry in this case investigation?

E. CASE OF FIRST IMPRESSION



Was this a case of first impression?

F. ENVIRONMENTAL JUSTICE COMMUNITY

(The website for calculating environmental justice is <http://www.epa.gov/compliance/whereyoulive/ejtool.html> and instructions can be emailed by the Center for Strategic Environmental Enforcement, 202-564-5918)

Population Density:

% Below Poverty:

% Education < 12th Grade:

% Speak English Less Than Well:

Total:

Score:

(b) (6), (b) (5)

☐ EJ Score Not Applicable (Only cases with no physical community, i.e. vessel cases)**G. MULTI-JURISDICTION CASE**☐ Did environmental violations in this case occur in more than one federal judicial district?**H. MULTI-REGION CASE**☐ Did environmental violations in this case occur in more than one EPA Region?**PART IV. APPROVAL AND SUBMIT DATE**

Lead Agent Signature:

(b) (6)

Date Submitted to SAC:

4-10-2008

SAC Signature:

(b) (6)

Date Faxed/Mailed to Houston Field Office:

DF mailed on 4-10-2008
(Houston Fax: 713-209-4899)**PART V. CALCULATIONS**

Agents **must attach calculations** to this CCDS. Absent any calculations, provide an explanation why no pollutants could be calculated.